IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.35336 of 2008
SHAIL KUMARI SINHA wife of Ram Gopal Singh,
Head Mistress, Middle School Raichiyahi,
resident of village- Ramdiri tola Akbarpur,
P.S.- Matihani, District- Begusarai
Versus
STATE OF BIHAR
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3 **21.11.2008** Heard learned counsels for the petitioner and the State.

Petitioner is an accused for the offence under sections 420, 406, 409/34 of the Indian Penal Code.

The allegation against the petitioner is that an excess amount of grains were found in the school against the quota of the relevant period. Further allegation is that a sum of rupees fifty thousand was given to the School as advance for construction purposes but the same was not done to the extent of the amount advanced and further allegation is that petitioner was given a sum of rupees five thousand for conducting tour of the students, but the same was not conducted.

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It has been submitted on behalf of the petitioner that the fact that grains were found in excess in the school can not lead to any criminal case since distribution of the grains depends upon the number of students present at the material time. As regards the other allegation, it is submitted that from the amount given to the school for construction, bricks were

purchased for an amount of rupees seventeen thousand and odd and rest were deposited in the school's account and so far as rupees five thousand is concerned, the same was kept for conducting the tour of the students, which could not materialize, and as such, the same was kept with the petitioner for conducting the tour of the students.

Learned Addl. P.P. appearing for the State submits that the petitioner ought to have deposited the money which was not being used immediately without any delay.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Begusarai, in connection with Muffasil P.S.Case No. 115 of 2008 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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Manish/- **(Shailesh Kumar Sinha,J.)**